

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3476 of 2021**

Arising Out of PS. Case No.-8 Year-2019 Thana- RAJEPUR District- East Champaran

1. MANOJ SAH Son of Bhikhari Sah Resident of Village-Lahladpur, P.S.-Rajepur, District-East Champaran.
2. Sajan Sah Son of Manoj Sah Resident of Village-Lahladpur, P.S.-Rajepur, District-East Champaran

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr. Lakshmikant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 05-07-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Rajepur P.S. Case No. 8 of 2019 registered for the offences punishable under Sections 147, 341, 324, 307, 379 and 504 of the Indian Penal Code and Section 3, 5 and 7 of the Prevention of Witch Craft Act (Dian Act).

As per the prosecution story the informant was going in his tempu and when he reached near Lohsari Chowk these



petitioners along with other co-accused surrounded him and started abusing him and gave farsa blow on his head causing cut and bleeding. When the family members of the informant came to rescue him, they were also assaulted by these petitioners and one of the accused persons had taken away Rs. 25,000/- from informant's pocket and snatched a gold chain from the neck of informant's wife.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is further submitted that the dispute has taken on account of land dispute. Learned counsel submits that the petitioner is in custody since 03.10.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it appears on perusal of the records that the injuries allegedly caused by the petitioner no. 1 are said to be simple in nature whereas the injuries caused by petitioner no. 2 on the body of Devendra Sah are three in numbers out of which one is grievous, the alleged occurrence took place on account of land dispute and the petitioners have remained in jail for about nine months, the investigation against them is incomplete but



the trial is not likely to be concluded in near future, as informed in the only case against them, they are said to be on bail, let the petitioners above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sadar, Motihari, East Champaran in connection with Rajepur P.S. Case No. 8 of 2019 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal



antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rishi/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

